



**STATE OF HAWAII
2011 REAPPORTIONMENT COMMISSION
NOTICE OF REAPPORTIONMENT COMMISSION MEETING**

Date: Monday, January 30, 2012
Time: 2:00 PM
Place: State Capitol, Conference Room 423
415 South Beretania Street
Honolulu, Hawaii 96813

AGENDA

- I. Call to Order – Chair
- II. Roll Call and Determination of a Quorum
- III. Approval of Minutes for meeting on January 20, 2012
- IV. Public Testimony – Any interested person may submit data, views or arguments on any agenda item.
- V. Input from Advisory Councils - Discussion and action, if appropriate.
- VI. Hawaii Supreme Court Lawsuits – Update by Reapportionment Commission attorney regarding Hawaii Supreme Court Opinion and Orders regarding preparation, filing, and approval of new state legislative reapportionment plan. Discussion and action, if appropriate.
- VII. Reapportionment Commission Funding Request – Reapportionment Commission staff report on status of Commission request for emergency appropriation for FY2012. Discussion and action, if appropriate.
- VIII. Permanent resident population base – Reapportionment Commission staff report regarding Commission's requests for population data, additional population data received by Commission, and updated population data and extraction procedures. Discussion and action, if appropriate.

- IX. Technical Committee – Report on actions authorized at January 20, 2012 meeting regarding new state legislative reapportionment plan. Discussion and action, if appropriate.

- X. Executive Session

Pursuant to HRS §92-5(a)(4) to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities regarding Solomon and Matsukawa litigation and Hawaii Supreme Court Opinion and Orders including, without limitation, implementation of Hawaii Supreme Court Opinion and Orders. Discussion and action, if appropriate.

Pursuant to HRS §92-5(a)(4) to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities regarding the retention of outside or independent legal counsel for the Reapportionment Commission. Discussion and action, if appropriate.

- XI. Schedule future meeting dates

- XII. Adjournment

THE COMMISSION MAY ELECT TO CONSULT WITH COUNSEL IN EXECUTIVE SESSION PURSUANT TO SECTION 92-5, HAW. REV. STAT. IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILIARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE REAPPORTIONMENT COMMISSION, PLEASE CONTACT THE OFFICE OF ELECTIONS AT LEAST 48 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE. FOR FURTHER INFORMATION, PLEASE CALL THE OFFICE OF ELECTIONS AT 453-8683 OR 1-800-442-8683 FROM THE NEIGHBOR ISLANDS.

**STATE OF HAWAII
2011 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2011 REAPPORTIONMENT COMMISSION**

January 20, 2012
3:00 pm

State Capitol, Room 329
Honolulu, Hawaii 96813

Commissioners Present:

Victoria S. Marks, Chairperson
Calvert Chipchase IV
Clarice Hashimoto
Harold Masumoto
Elizabeth Moore
Dylan Nonaka
Lorrie Lee Stone
Anthony P. Takitani
Terry Thomason

Technical Staff Present:

Brian P. Aburano, Deputy Attorney General
Judy Gold, Office of Elections
Sarah R. Hiramami, Deputy Attorney General
Caryn Moran, Office of Elections
Scott Nago, Office of Elections
Kristen Oka, Office of Elections
Rex Quidilla, Office of Elections
David Rosenbrock, Office of Elections
Rhowell Ruiz, Office of Elections
Aaron Schulaner, Office of Elections
Karen Tam, Office of Elections
Lori Tomczyk, Office of Elections
Charles Wong, Office of Elections

Observers Present:

Julia Allen, Office of Senator Sam Slom
Brenda Baker, Office of Senator Pohai Ryan
Representative Denny Coffman, State House

Bart Dame
Fabiano DaSilva, Office of Senator Donovan Dela Cruz
Rebecca Gardner, Office of Representative Robert Herkes
JoAnne Georgi, Kauai Advisory Council
Kaaina Hull, Kauai Advisory Council
Glenn Ida, Oahu Advisory Council
Nanea Kalani, Civil Beat
Nikki Love, Common Cause
Janet Mason, League of Women Voters
Ethann Oki, Office of Senator Malama Solomon
Michael Palcic, Oahu Advisory Council
B.J. Reyes, Honolulu Star-Advertiser
Senator Sam Slom, State Senate
Tom Smyth, Military Officers Association of America, Hawaii Chapter
Representative Cliff Tsuji, State House
Cynthia Vaillancourt, Oahu Advisory Council
Representative Gene Ward, State House
Shannon Wood
Arvid T. Youngquist, Mestizo Association

I. Call to Order

Chairperson Marks called the meeting of the 2011 Reapportionment Commission to order on January 20, 2012 at 3:03 pm.

PROCEEDINGS

II. Roll Call and Determination of Quorum

Roll call was taken and a quorum of eight Commissioners was present. Commissioner Stone was absent at roll call.

III. Approval of Minutes for meetings of October 5, 2011 and October 13, 2011

Chairperson Marks moved to approve the minutes of the October 5, 2011 and October 13, 2011 meetings. Commissioner Thomason seconded the motion with no objections from the eight commissioners present.

IV. Public Testimony – Any interested person may submit data, views or arguments on any agenda item

Representative Coffman presented highlights of written testimony he submitted jointly with Representative Herkes, regarding the Hawaii Supreme Court Opinion

filed January 6, 2012. Representative Coffman stated that they believed approximately 120,350 non-permanent residents should be extracted in Step 1, the allocation of seats among the basic island units (BIUs), and that the Commission's revised plan should result in allocation of one more Senate seat and one more House seat to the Big Island. He stated that failure to do so would violate the Hawaii Supreme Court's Orders.

Regarding Step 2, redrawing of House district lines, Representative Coffman stated that Article IV, §6 of the Hawaii Constitution required that districts be drawn so as not to favor any individual and noted the 2011 legislative plan for the Big Island created remarkable differences between the new and previous district boundaries. He added that the 2011 legislative plan also violated the Commission's standard of starting with boundaries existing prior to reapportionment that would cause the least disruption to voters. He stated that he objected to having to run in a district that included new areas and that the 2011 boundary split both his neighborhood and Kailua-Kona town in two. He noted this placed urban Kailua-Kona residents in the same district as the rural areas south of the town and that the seven House districts on the Big Island were changed significantly. He stated that the 2011 plan changed the previous boundaries in a manner that removed most of his current district and that the Commission should take this opportunity to correct its errors.

Commissioner Takitani asked if Representative Coffman would have concerns about not extracting 15 percent of active duty military members whom the military reported as the average number deployed. Representative Coffman said that if the Commission has factual information, he did not feel it was a problem. Commissioner Takitani asked if Representative Coffman would object to leaving others in the proposed extraction figure of approximately 120,000 if there was a reasonable and factual basis to do so. Representative Coffman responded that it was reasonable to not extract them if they were not included in the previous count given to the Commission.

Ms. Mason summarized written testimony noting that the League of Women Voters of Hawaii did not take a position on the standard for a population base for reapportionment, but urged the Commission to call on the Legislature to clarify the definition of permanent residents because it had been a problem for 20 years. She stated that if Hawaii continued to use permanent residents as the population base, she would have concerns regarding accuracy of the population count.

Ms. Mason stated that probably the most accurate method of adjusting the census would have been a census adjustment survey to ask students and military members where they considered their permanent residence. She recognized that it was too late to do this and it would not be foolproof if the

response by the military was not mandatory. She emphasized that military and students should not be automatically excluded from a permanent resident population because according to some estimates, a sizable portion of those populations was permanent and entitled to representation in the state legislature. She concluded that if it was not possible to obtain accurate records of military and student populations who indicated they were permanent residents of Hawaii, it might be time to amend the State Constitution to rely on the current State population as reported by the U.S. Census for reapportionment.

Ms. Mason stated that the League of Women Voters was very impressed that the Commission did a good job of creating legislative districts in their initial plan that provided close to equal representation among the districts. She added that they were disappointed that only one Commission member was appointed from the Neighbor Islands and that she hoped it would be addressed in the future. She noted other concerns of the League of Women Voters that the reapportionment process and standards promote fair and effective representation in the legislature, timely definition of district boundaries, and maximum opportunity for public scrutiny. Ms. Mason stated that the organization planned to testify in strong support of House Bill 1892 for funding reapportionment in the next Census year of 2020.

Commissioner Stone arrived at 3:12 pm.

Ms. Vaillancourt stated that she had testified before and wished to emphasize a continuing concern that students and military families penalized simply because of their choice of a profession, their marital status, or their pursuit of higher education in Hawaii. She stated that Hawaii had a very diverse population and should not be exposed to unfair scrutiny for excluding these groups. She said she wanted to remain on record as urging the Commission to take another approach to the population base.

Mr. Smyth stated that he was still concerned about the population base and agreed with Ms. Vaillancourt's concerns. He stated that the process in Kansas continued to extract only active duty personnel and students, not military families. He stated that in following the Hawaii Supreme Court decision, Hawaii would be the only state that extracted military dependents and that it would be unfair to do so because many family members worked in the community and many were permanent residents prior to marriage. He noted an example that if a lifelong Hawaii resident married an active duty non-resident military member, the lifetime resident would automatically be considered a non-permanent resident based on the spouse's military status.

Mr. Smyth stated it was difficult to sort out each person's residency status based only on the eligibility information from the Defense Eligibility Enrollment Records

System (DEERS) when family members were assumed to have the same permanent or non-permanent status as their sponsor. He noted that under a 2009 federal law (the Military Spouse Residency Relief Act, P.L. 111-97), a military spouse could declare a home state other than the location of the sponsor so military population reports were not completely accurate and the Commission should continue to get further clarification for the number to be excluded. Mr. Smyth stated that he would support changing the population base for reapportionment to use the same standard as the other states, although it would not change reapportionment for the 2012 elections.

Commissioner Nonaka asked if there were associations or support groups that had information about military families, such as employment, voter registration and other factors that could help identify status of residents. Mr. Smyth gave an example using his previous home state declaration in Virginia when he was first stationed in Hawaii, stating that his children attended college in Virginia under this resident status when he was stationed in Hawaii, and that he changed his voter registration to Hawaii prior to retiring from active duty because he intended to stay in Hawaii.

Mr. Smyth stated that the Department of Defense did not track voter registration and collected only limited data for the home of record declaration. He stated that the home of record establishes where the military would return a service member after leaving the service and the state in which state income taxes would be withheld. He said that he did not know of other data collected by the military regarding origin of dependents, voter status or other information. He added that military personnel sometimes declared themselves as residents of states where there were no or low income taxes, and the military could only tell that was where taxes were paid for the service member. He added that enlisted personnel can change their home of record when they re-enlist, but officers are commissioned once and their declaration of residency stayed the same, primarily as a record of where the service should send the officer when he or she left the service. He concluded that the data provided by the military made it very difficult to identify local persons who were married to non-resident military, that family support groups did not collect those types of data, and that he did not know of groups that had this type of information with a degree of precision that would be recognized legally.

Commissioner Masumoto asked for clarification regarding the 2009 federal law (MSRRA) that gave dependents an option regarding residency. Mr. Smyth responded that under the MSRRA, the spouse was allowed to declare residency in the same state as the sponsor even if the spouse had never lived in that state. He noted that some spouses might elect to do this if the sponsor declared residency in a state with no or low state income taxes. He added there was an exception for those employed in professions licensed by states, such as teaching

and nursing which were fairly common among military spouses. Mr. Smyth stated the law did not provide data to identify residency of spouses.

Mr. Dame asked how a decision was made to file the Motion for Reconsideration because it was a major decision that should have been made by the Commission as a whole. He also asked why the Commission took until January 20 to hold a meeting since the Commission knew weeks in advance that oral argument would take place on January 4, even though they did not know when the Hawaii Supreme Court would rule in the cases. He said it would have been prudent for the Commission to file a meeting notice in advance to discuss the ruling and the next step to be taken.

Mr. Dame commented that he read the Commission's filing and for the first time saw why questions were raised about the quality of the data, and that he now understood that using the total number of active duty military would probably result in over-extracting if done without adjusting for factors like the 15 percent deployed out of state. He stated that adjusting for deployed members from the active duty population would be appropriate if there were a good, solid basis for the 15 percent figure. He also said he now understood arguments regarding whether the status of dependents should automatically be the same as the sponsor, noting that staff previously advised that it was not clear that all dependents had the same residency as sponsors in Hawaii. He remarked that the 2001 reapportionment reported the count might have been inflated by as much as 30 percent and that if this figure was substantiated with sound, reasonable methodology, then it would be reasonable to adjust the dependents' figure accordingly. He stated he knew he might be disappointing his friends on the Big Island who hoped to get an additional House seat, but he did not see that the number for extraction would reach that level.

Mr. Dame stated that he and others including Representative Herkes previously urged the Commission to utilize different numbers for reapportionment or allocating of seats to the different basic island units, and for redistricting. He said the first extraction number for "off the top" extraction would necessarily be a different number than in the second step, but that a best good faith estimate could be developed that was closer than the previous number used. He conceded there were a number of great difficulties in identifying where on Oahu the military and students should be extracted to adjust the permanent resident population and that the number would be a great deal smaller than the number used in the first step.

Mr. Dame stated that previously he had discussed the standard to be used to arrive at the numbers, such as "best good faith estimate", "according to the best available data," and similar language. He said the Commission was concerned about not over-extracting military personnel who might have satisfied

requirements for being permanent residents and cited the discussion of registered voters in areas that might lead to determination of the number of permanent residents. However, he stated that Commissioners did not want to extract persons by mistake who might be permanent residents also living in the area.

Mr. Dame stated that the language used in extraction could lead to a misunderstanding because the process did not identify specific individuals and did not take away 100 percent of an individual's right. He said the population adjustment instead subtracted numbers from a larger group or area. He gave the example that 90 percent of people living in military housing are in the military and in this type of area, the process removed those who were diluting the strength of the larger community. He stated the standard should not be "beyond a reasonable doubt" because that would take away people's rights, but that the process of extraction involved weighing competing claims. He added that harm is done both through an over-extraction and an under-extraction, that he felt the Commission did not show enough concern for under-extraction, that he recognized the extraction process was very complex, and that he hoped there was a way to balance the interests involved. He urged the Commission to use the best good faith estimate that gave confidence that the process did not over-extract or under-extract.

Commissioner Thomason asked if Mr. Dame saw potential harm in adjusting for a minority population in the military such as African-Americans who were a larger percentage of the military population than of the civilian population as a whole and if Mr. Dame would dismiss excluding that demographic group as just balancing. Mr. Dame said the question of representation should be considered separately from the power to vote. He said he concluded that the process was not going to strengthen the power of military families who are non-residents, but rather it would strengthen the weight of civilians who live in the same district. He noted that previously there was debate about using the registered voter population and whether minor children should be counted. He said he assumed the interests of children were represented by their parents. He said that for ethnic groups with large families, excluding children would lead to under-representation of those groups. He said that if there were large numbers of children in the district, then those who voted would increase the weight of children.

Commissioner Thomason cautioned against designating everyone on military installations as non-residents even if there was no data about family members who represented substantial minority groups. He said he did not want the record of proceedings to reflect that the process was only a balance of numbers. He stated that he felt an obligation to avoid placing minority groups in a position where their access or weight in the allocation of representatives was disregarded.

Mr. Dame stated that he wrestled with the meaning of representation. He used the example of American colonists being represented by a royal governor, appointed by the King, and he questioned how effective a representative was if he was not chosen by those being represented. He said that a person could seek redress or assistance through an elected official, regardless of status as a resident.

He said the power to vote was not the same as representation. He added that the testimony of Representative Johanson gave him further insight regarding House district representation when there was a large military population that was not reflected in the population count for the district. He stated that the way to address the latter situation was to increase staffing for legislators according to the total population of each member's district.

Commissioner Moore asked Mr. Dame to clarify if he was implying that voter registration was an indication of permanence. Mr. Dame stated that he believed it was not, by itself, an indication and that other indicators should be considered. Commissioner Moore asked whether Mr. Dame was referring only to military areas and he replied that such factors could be investigated in areas of student population as well.

Commissioner Takitani asked Mr. Dame where he recalled seeing the figures of 15 percent of active duty military members deployed and 30 percent inflation of numbers of dependents. Mr. Dame said he thought it was in the Commission's filing in the Hawaii Supreme Court on January 13, 2012. Chairperson Marks noted staff has the information that came from the Department of Defense (DoD).

Ms. Wood stated she was disappointed with the Hawaii Supreme Court decision in the reapportionment lawsuits. She stated that she lived in a House and Senate district that included large extraction populations, which would cause a negative impact on civilians. She said that some areas of Oahu had large numbers of military persons, but that her Windward Oahu area had four groups considered for extraction, such as persons in the women's corrections center, two universities, military installations and dependents. She noted that an elected official would have greater difficulty serving a large overall district population, citing the testimony of Representative Johanson. She stated that reapportionment should be based on the Census population and that the State should also consider amending its Constitution to increase the number of members in the Legislature.

V. Input from Advisory Councils - Discussion and action, if appropriate

Kauai Advisory Council Member Hull reported that the Council continues to recommend that the legislative plan for Kauai remain the same as approved in 2011. He also stated they were well informed on the disadvantages of a canoe district and did not want this type of representation. Commissioner Nonaka asked if Kauai wished to seek an additional portion of a Senate district. Kauai Advisory Council Member Hull responded, no.

Oahu Advisory Council Chair Palcic reported that the Council met just prior to the Commission meeting and unanimously reaffirmed its support for using the Census definition of "usual resident" for the reapportionment population base. He noted that the State Constitution did not define the term "permanent residents" and that the Census definition excluded those who did not meet detailed and specific criteria for residency. He said the State should not exclude entire groups, keeping in mind that many people moved over the years, and that extraction led to an arbitrary determination of residency.

Oahu Advisory Council Chair Palcic added that previous Reapportionment Commissions had similar problems with the population base and the 2001 Commission also recommended that the Legislature take action to address the lack of clarity. He said the Legislature did not take action in the intervening years and that the recent Hawaii Supreme Court decision referred to permanent and non-permanent residents without defining the terms. Oahu Advisory Council Chair Palcic added that the 1991 Reapportionment Commission itself did not follow the State Constitution in effect at the time, but created its own system to fashion a population base. He said the Constitution was amended in 1992 to its current wording.

Oahu Advisory Council Chair Palcic stated that the Council approved a resolution recommending that the Reapportionment Commission retain outside counsel. He said the Commission did not receive appropriate representation and that the Council's recommendation to use the Census population base was not included in pleadings.

Hawaii Island and Maui Advisory Councils – no report.

VI. Hawaii Supreme Court Lawsuits – Update by Reapportionment Commission attorney regarding Supreme Court Per Curiam Opinion filed January 6, 2012. Discussion and action, if appropriate.

Chairperson Marks moved that the Commission change its order of business to go into executive session to consult with counsel regarding issues listed on the executive session portion of the agenda. Commissioner Masumoto seconded the motion with no objections from the nine commissioners present.

The Commission went into executive session at 4:07 pm.

Reconvene of Meeting

At 5:01 pm, the Commission returned and, without objection, reconvened in open session.

Deputy Attorney General Aburano discussed the status of the Hawaii Supreme Court lawsuits, *Solomon, et al., vs. Abercrombie, et al.*, No. SCPW-11-0000732 and *Matsukawa vs. Office of Elections. et al.*, No. SCPW-11-0000741.

Mr. Aburano stated that he was assigned to the Commission on January 9, 2012, shortly after the Hawaii Supreme Court filed its Order on January 4, 2012 and its Opinion on January 6, 2012 in both cases. Under court rules, the Commission had until January 17 to file any motion for reconsideration of the Order and Opinion. However, as he did not want to wait until the last day to file such a motion, he targeted January 13 as the date to file any motion for reconsideration. After reviewing the Order and Opinion, Commission materials and applicable law, Mr. Aburano said he determined that there were legitimate grounds and that it was advisable to file a motion for clarification and/or reconsideration. In this respect, Mr. Aburano stated that under Hawaii Revised Statutes (HRS) §26-7, the Attorney General has the authority to represent and handle civil litigation for State agencies. He said the Attorney General is not required to and generally does not ask State agencies for express approval before taking specific actions in litigation such as filing answers or motions. This does not mean that deputy attorneys general may not ask for such approval of certain actions in particular circumstances even if they are not required to do so.

Mr. Aburano stated that the Respondents' Motions for Reconsideration in the lawsuits were consistent with the Commission's previous positions in those lawsuits, and that he made the decision to file those motions on behalf of the Respondents. He reported that around noon today, the Hawaii Supreme Court filed Orders denying the Respondents' Motions for Clarification and/or Reconsideration.

Mr. Aburano then proceeded to describe what was contained in the Respondents' Motion s for Clarification and/or Reconsideration. He noted that the motions sought clarification on three major issues:

First, the Commission sought clarification on whether it had to use only raw numbers provided by the military and universities to extract non-permanent residents from the 2010 Census population for purposes of Article IV, §4, or whether it could use a different estimate that it felt was a more accurate estimate of the non-permanent residents to be extracted. The Court's Opinion referred to

population counts by the military of 47,082 active duty military members and 58,949 military dependents, without acknowledging adjustments such as subtracting the number of persons deployed at the time the 2010 Census was taken. There would be no reason to take these persons out since they were not counted to begin with.

Second, the Commission asked whether it was required to use the same population count for reapportioning legislative seats under Article IV, §4 of the Hawaii Constitution as for redrawing district boundaries under Article IV, §6.

Third, the Commission asked whether it was required to follow all of the procedures set forth in HRS §25-2, such as publication of notice and holding public hearings on each basic island unit. Mr. Aburano noted that these procedures apply to a commission's preparation of its initial reapportionment plan. After a successful court challenge, HRS §25-2 only provides that a commission will continue in operation and may assist the court in formulating a new plan.

Mr. Aburano reported that the Hawaii Supreme Court's Orders that denied the Respondents' Motions for Clarification and/or said that the lack of complete information about the non-permanent status and location of Hawaii's non-residents was not a basis for disregarding the Constitutional mandate in Art. IV, §4; that the sole issue raised in the Petitioners' Petitions was whether including non-permanent residents in the population base for the 2011 Final Reapportionment Plan constituted an error in the Reapportionment Plan; and that how the Commission identified the non-permanent resident population for the purposes of apportionment and whether the Commission must follow the procedures set forth in HRS §25-2 were not issues raised in Petitioners' mandamus proceeding. Further the Court said that its Opinion advised that apportionment under Art. IV, §6 requires the Commission to make an honest, good faith effort to construct districts with as nearly equal population as practicable and that mathematical precision was not required. He said he would be advising the Commission in their work on a revised legislative plan.

Commissioner Takitani asked if using Extraction C would be adequate to comply with the Hawaii Supreme Court's Orders (refer to Commission Meeting Minutes of September 19, 2011 at page 8, total 79,821 to be extracted). Mr. Aburano responded that he needed to review the Extraction C proposal more carefully. However, he said that the Court's Orders denying the Respondents' Motions for Clarification and/or Reconsideration indicated that the court may not require the Commission to extract all of the 47,082 active duty military and 58,949 dependents, but may permit the Commission to use a different estimate if it could show that the different estimate was a more reasonable or accurate estimate of

the military residents who were non-permanent residents and were counted in the 2010 Census.

Chairperson Marks said she believes the Court saw the raw numbers as a starting point. She cautioned that before extracting people using the raw numbers, it would be necessary to determine whether persons were in Hawaii and counted in the Census. She cited the example of military personnel deployed out of state, who may not have been counted in the Census but were included in the military count of persons assigned to an installation in Hawaii. She said these individuals should not be extracted from the raw numbers unless they were actually part of the Census population in Hawaii. She noted that this appeared to be one of the reasons the counts from the military and the Census did not agree.

Regarding dependents, Chairperson Marks noted that the military regarded dependents as private citizens and Hawaii residents, and therefore did not collect data regarding their residency. She noted that the Military Spouses Residence Relief Act (MSRRA) changed in 2009, which allowed spouses to declare residency in the same state as the military sponsor, a change from the previous designation of dependents being residents of the state in which the sponsor was stationed. She stated that the Court's Opinion assumed the same percentage of active duty military and dependents were non-residents. Regarding students who were non-permanent residents, Chairperson Marks stated the Commission staff did not have complete information such as counts from Chaminade University, but was going back to all the universities to try to get further information. She added that this type of inconsistency among reported numbers was the reason the Commission voted to use Census figures of the populations that were actually counted in Hawaii.

Chairperson Marks stated that the Commission would try to be as accurate as possible and that only persons who were counted by the Census should be extracted. She said the Commission staff would continue to pursue and refine population data and that she and Mr. Aburano would consult with staff on this matter.

Commissioner Nonaka stated it was important for the public to know that the Chair and Mr. Aburano had presented relevant information to the Hawaii Supreme Court, even if it was not addressed in the Court's ruling, and that he felt Mr. Aburano was doing an outstanding job. Commissioner Nonaka added that the Commission's previous attorney did not submit all the pertinent information in a timely manner and that if they had done so, the Commission might have gotten clearer direction from the Court. He said he was not expressing "sour grapes", he acknowledged it was not a quick and easy fix. He noted for the record, all was not overlooked, and the Commission would take another hard look at the population issue.

Commissioner Masumoto commented on under-representation and balance issues discussed by Mr. Dame. Commissioner Masumoto stated that he previously was more concerned about U.S. Supreme Court rulings and felt that it was safer to under-extract population. He said he now felt the Hawaii Supreme Court was saying not to worry about the U.S. Supreme Court rulings, so he would now look at the adjustment differently.

VII. Population base – Update by Reapportionment Commission staff regarding extraction procedures to comply with Supreme Court Per Curiam Opinion. Discussion and action, if appropriate.

Project Manager Rosenbrock stated that the Commission staff had already requested additional data and clarification of data received previously from the U.S. Pacific Command (PACOM), the University of Hawaii statewide system, and Chaminade University. He said staff estimated that data would be provided shortly to revise the data set by the end of January to expedite an extraction pursuant to the Court's Opinion and Order.

Mr. Jones presented an overview of extraction procedures, including a "road map" to address limitations in data reporting. His presentation included raw data received from PACOM presented previously, and the comparison of the Census population used for congressional reapportionment and the permanent resident population used for legislative reapportionment.

Mr. Jones emphasized the need to determine a more precise count of military members. He noted that the initial PACOM count of 47,082 active duty military members consisted of those assigned to a duty station in Hawaii, but PACOM also estimated that 15 percent or about 7,100 were deployed at any given time, which would leave about 40,000 personnel present in Hawaii during the Census. He noted that the home port of a ship determined where personnel appeared as "assigned" but would have been counted for the Census in another location, for example, if the ship was deployed abroad at that time. Regarding dependents, Mr. Jones noted that the military did not have data that could identify dependents as permanent or non-permanent residents, which would affect the accuracy of any reported count. Project Manager Rosenbrock said that the staff had contacted PACOM to sort out the data for these issues.

Commissioner Takitani asked how previous reapportionment efforts estimated the 30 percent difference in reporting on dependents. Project Manager Rosenbrock said that in the past, the military estimated about 30 percent of individuals were in transit during the period. Commissioner Takitani asked if the 30 percent estimate could be used if there were no other data available to adjust the dependent count. Project Manager Rosenbrock stated it was possible.

Mr. Jones stated that initial student counts were likely to change as well, since previous counts were mostly by zip code only and needed to be adjusted for out of state addresses, post office boxes, military addresses and so on. Also, he noted that University of Hawaii data was furnished for the statewide system and needed to be sorted by campus. He stated that military addresses needed to be rechecked so an individual would not be extracted once from a military address and again from a student listing, and that there would be other cases for adjustment such as students with no address in Hawaii who enrolled in on-line classes.

Commissioner Takitani asked if past Commissions used certain percentages to adjust the population base. Project Manager Rosenbrock said that even with improved data, there would be some variations. Mr. Jones stated that with more and clearer data, the adjustment would be more accurate. Commissioner Takitani asked which numbers were used in Extraction C. Project Manager Rosenbrock responded that Extraction C was the total of active duty military in group quarters (12,551), students with specific addresses (3,907), persons living on-base (57,572), and students with zip codes only who were extracted from zip code areas using disaggregation (6,269), total 79,821. He stated that the three extraction models considered on September 19, 2011 relied on Census data for the military rather than PACOM data since the latter could not be verified as having been counted by the Census.

Commissioner Nonaka asked why Extraction C had a different set of numbers. Mr. Jones clarified that Extraction C included the military and student counts at specific geocodable addresses from Extraction A (extracting 16,458) and B (all of A, plus 57,572 on-base residents, total 73,552), plus the remaining students with only zip codes who could be extracted by using a disaggregation model. Commissioner Nonaka asked if there was an estimate for military living off base and Mr. Jones responded that it would depend on data available for active duty personnel and dependents. Mr. Jones said it would be necessary to know a person's location or take out individuals in proportion to the size of each census block. He noted that staff had contacted data agencies to get further information and would try to meet the requirements of the Court's decision. He commented that Extraction A may have under-estimated the extraction, while raw data appeared to over-estimate the extraction, and that a more reasonable or accurate number was probably somewhere in between the two.

Commissioner Takitani asked if Extraction C could meet the Court's test since it counted certain populations. Mr. Jones stated it was possible. Commissioner Takitani asked why the Commission would not want to use Extraction C since it was already done. Chairperson Marks commented that her reading of the Hawaii Supreme Court's Opinion suggested that the Petitioners started with the raw data of 47,082 active duty and 58,949 dependents with an adjustment to be done to

those numbers. Commissioner Takitani stated he thought the number would be close to Extraction C and that the Commission should not waste more time. Chairperson Marks noted that her reading of the Hawaii Supreme Court's Opinion suggested that the Petitioners started with the raw data of 47,082 active duty and 58,949 dependents with an adjustment to be done to those numbers. Commissioner Takitani stated he thought the number would be close to Extraction C and that the Commission should not waste more time on another extraction. Chairperson Marks noted that it was important to be as accurate as possible because an extraction could possibly reallocate a House seat from Oahu to the Big Island, which would not happen with Extraction C. Commissioner Takitani stated he felt further adjustment would waste two more weeks.

Commissioner Moore stated she was not sure where many people would be extracted on Oahu. Project Manager Rosenbrock stated a disaggregation procedure would extract a proportional number of persons according to the size of census blocks, so the adjustment would be spread over a large area. Commissioner Nonaka suggested considering a model that takes the percentage of each basic island unit's (BIU) population that is being extracted and adjusting all census blocks in the BIU by a corresponding percentage. He said it would be equitable to spread the adjustment and avoid large distortions in population counts in areas near military bases, such as the example described by Representative Johanson last year. Commissioner Nonaka said the "across the board" adjustment would address problems with over- or under-representation problems, especially in communities near military installations.

Commissioner Masumoto asked if the U.S. Coast Guard had provided a personnel count. Project Manager Rosenbrock said their count was around 1,300 and staff would check whether these people were counted in the Census. Commissioner Nonaka asked if the adjustment process disregarded every other non-permanent resident, such as temporary construction and contract workers, snowbirds, and others in Hawaii temporarily. He stated the process should also try to deal with these groups or explain why they were not considered. Chairperson Marks stated that these groups would not be considered for extraction because previous U.S. Supreme Court cases have specified certain groups such as non-resident military, dependents and students that can be left out of the reapportionment population, but others such as snowbirds were not included.

VIII. Technical Committee – Actions required to investigate and implement the Supreme Court Per Curiam Opinion regard new state legislative reapportionment plans. Discussion and action, if appropriate.

Commissioner Masumoto moved that the Commission authorize the Technical Committee to start revising legislative plans for Oahu and the Big Island, using

the best available data. He stated he was concerned about the short time before the start of candidate filing. He said he believed there was a general consensus about the plan and the allocation of an additional Senate seat from Oahu to the Big Island. He said there is also the possibility of a House seat moving from Oahu to the Big Island as well, although work could initially begin for at least the Oahu and Hawaii Senate plans.

Project Manager Rosenbrock said that it would take about a week to complete geocoding and uploading of data after the Commission made a decision on population adjustment. He added that the Commission currently had funds remaining to complete this process one more time and that the Technical Committee and staff had worked on preliminary plans for the adjustment in Extraction B for both Oahu and the Big Island. Commissioner Masumoto stated he would withdraw his motion if it was not needed at this time.

Commissioner Nonaka requested that the motion remain on the table, and seconded the motion. He explained that the alternative plans authorized previously by the Commission were a starting point, not the final product. He said that the Technical Committee could work on plans for the Big Island with four Senate seats and versions with seven or eight House seats. However, he stated he did not believe there was sufficient information at this time to begin work on revisions to Oahu.

Commissioner Takitani moved to amend Commissioner Masumoto's motion by authorizing the Technical Committee to start revising legislative plans for Oahu and the Big Island using the population base in Extraction C. He stated the Commission should not waste time. Commissioner Thomason commented that when the Commission adopted the 2011 legislative reapportionment plan, they also voted for alternatives to be developed. Project Manager Rosenbrock stated that the Technical Committee had two preliminary versions of revised plans using the population base in Extraction B, one to keep deviations under 10 percent statewide. Commissioner Thomason asked if there was an additional cost to begin the population adjustment again. Project Manager Rosenbrock replied that there was. Commissioner Thomason stated he was against the first motion and that he agreed with Commissioner Takitani that the final adjusted population would probably be similar to that of Extraction C. He said doing this type of revision would be a quick and inexpensive fix.

Commissioner Masumoto said he recognized the adjustment problems with the large populations to be extracted in Windward Oahu noted by Ms. Wood. Commissioner Nonaka said the Commission should consider a method to distribute extractions more evenly than the current system of taking out larger populations only in certain areas, and that he did not support the methods as used in Extractions B or C.

Commissioner Takitani asked if it was feasible to use Extraction B. Project Manager Rosenbrock said there would be more data to produce a larger extraction than Extraction B. Commissioner Stone said she recognized Commissioner Takitani's approach in that the number of people to be extracted was likely to be close to the number in Extraction C, but she was concerned that extraction not be done in an arbitrary manner if that could be addressed with the additional data. Project Manager Rosenbrock noted that staff was expecting addresses to supplement zip codes used in Extractions B and C. Commissioner Masumoto asked what assumptions would be used in the extraction and how to adjust for address changes. Project Manager Rosenbrock stated that assumptions were not used in Extractions A or B, since both used only data reported by the Census and persons were extracted from the census blocks in which they were counted by the Census.

Chairperson Marks commented that the Commission's previous approach was different from the approach of the Hawaii Supreme Court; last fall, the Commission knew exactly where individuals were being extracted in Extractions A and B and the plan was built up from the Census data; however, under the Court's approach, the Commission would look at the raw numbers and subtract certain population counts to get to a lower population base. Commissioner Nonaka commented that the Commission should still do its due diligence to revise the legislative plans for Oahu and Hawaii Island. Commissioner Takitani commented that the Court said the Commission had the necessary information and should use it to proceed quickly.

Commissioner Nonaka said that the raw data was not the same as the adjustments that were coming in. Commissioner Thomason said the staff and Technical Committee prepared alternatives and the Commission would have additional data to justify those plans if the updated data arrived shortly. Chairperson Marks cautioned that additional time would be required to code and load data before revisions to the plan could begin. Commissioner Thomason said most people have a general idea of where they can run for office. He said he would like to see the Commission's work done the right way, doing what the Court asked it to do. Commissioner Takitani said he thought it was silly to use other numbers and the Commission had adequate funding to proceed. Chairperson Marks stated that Extraction C was accurate because it was based mainly on Census data of those in Hawaii when the Census was taken.

The motion by Commissioner Masumoto, seconded by Commissioner Nonaka, that the Commission authorize the Technical Committee to start revising legislative plans for Oahu and the Big Island, using the best available data, was approved by a vote of 6 to 3, with Commissioners Chipchase, Takitani and Thomason voting against the motion.

IX. Executive Session

Pursuant to HRS §92-5(a)(4) to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities regarding litigation and Supreme Court Per Curiam Opinion. Discussion and action, if appropriate.

Pursuant to HRS §92-5(a)(4) to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities regarding the retention of outside or independent legal counsel for the Reapportionment Commission. Discussion and action, if appropriate.

The Commission voted to change the order of business to hold an executive session earlier in the agenda and subsequently returned to regular session.

Chairperson Marks moved that the Commission authorize staff to request funding for additional technical consultant services and independent private counsel through the appropriate process in the 2012 legislative session. The motion was seconded by Commissioner Nonaka.

Commissioner Takitani stated he did not believe the action was necessary, as the Commission had a competent attorney. Commissioner Nonaka stated he thought it was absolutely necessary to pursue funding, although he did not intend his motion to be a reflection upon the Commission's new counsel. He stated that based on his experience, he believed the Commission's new plan would be vulnerable to a federal challenge and it should have the ability to hire counsel who specialized in this type of litigation to assist the deputy attorney general representing the Commission and that any funding received would only be used if necessary. Commissioner Takitani noted for the record that he does not think the Commission will be sued in Federal Court.

The motion was approved by a vote of 7 to 2, with Commissioners Takitani and Thomason voting against the motion.

X. Schedule future meeting dates

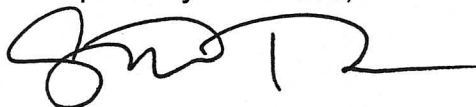
Chairperson Marks announced that the next meeting would be held on Monday, January 30, 2012 at 2:00 pm in the State Office Tower, in Room 204.

XI. Adjournment

Chairperson Marks moved that the meeting be adjourned. Commissioner Nonaka seconded the motion with no objections from the nine Commissioners present.

There being no further business, the meeting was adjourned at 6:12 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott T. Nago', with a long horizontal line extending to the right.

Scott T. Nago
Chief Election Officer
Secretary to the Reapportionment Commission



**STATE OF HAWAII
OFFICE OF ELECTIONS**

SCOTT T. NAGO
CHIEF ELECTION OFFICER

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
www.hawaii.gov/elections

January 30, 2012

Judge Victoria S. Marks (Ret.), Chair
Lorrie Lee Stone, Member
Anthony Takitani, Member
Calvert Chipchase IV, Member
Elizabeth Moore, Member
Clarice Y. Hashimoto, Member
Harold S. Masumoto, Member
Dylan Nonaka, Member
Terry E. Thomason, Member

Hawaii State Reapportionment Commission
Hawaii State Capitol
415 South Beretania Street, Room 445
Honolulu, Hawaii 96813

Dear Members of the Hawaii State Reapportionment Commission:

The purpose of this letter is to communicate the necessity for the Hawaii State Reapportionment Commission ("Commission") to establish a deadline by which its reapportionment plan will be filed with the Chief Election Officer, to allow the Office of Elections and the Offices of the City/County Clerks to prepare and execute the August 11, 2012 Primary Election and November 6, 2012 General Election.

We appreciate the challenges of the reapportionment and redistricting process. However, we are concerned that the invalidation of the Commission's prior plan by the Hawaii Supreme Court ("Court") without a time certain deadline for the filing of a new plan, may be interpreted by observers in the public as authorizing a restart of the 150-day reapportionment process. Article IV, Section 2 and HRS § 25-2.

We believe that such an interpretation is unfounded as there is nothing in the Court's decision, the Hawaii State Constitution, or in statute that stipulates that prior steps or processes need to be completely repeated.

It is our understanding that the Commission is well aware of the importance of completing its plan and its impact on the administration of the 2012 Elections (as reflected in the Commission's own motion for clarification and/or reconsideration filed with the Court on January 13, 2012).

In order to avoid any further concern among the electorate, and in order to permit State and County election officials to make adjustments for executing the elections, we request that the Commission consider filing a new plan no later than February 29, 2012 (i.e. 56 days after the Court's order of January 4, 2012). This requested deadline comes from our collective belief that any delay beyond February 29, 2012, has the potential of creating unnecessary risk in the ability to securely and properly implement the elections on behalf of the public, candidates, and election stakeholders.

Given the importance of this matter, and that the Commission may meet resistance from those that believe the Court's order requires an open-ended process, we highlight that the Court did at no time indicate that its order should be interpreted as authorizing or condoning the missing of statutory deadlines. With this in mind, it is our understanding that the Commission did its best to comply with the order prior to the start of candidate filing on February 1, 2012. However, significant questions regarding the Order and Opinion necessitated the immediate filing of a motion for clarification and/or reconsideration, which was responded to on January 20, 2012, by the Court.

We do not believe the Commission, or the Court in its order, intends to create any further delays as it moves forward. However, given the importance of this matter, we take this opportunity to stress certain statutory deadlines and to elaborate on operations that are impacted by redistricting that are critical to the implementation of the 2012 Elections.

The date of this letter marks 193 days until the August 11, 2012 Primary Election. Included in those 193 days are statutory and operational deadlines and benchmarks that must be complied with. For example, the first primary election ballot must be printed well before, about 135 days from the date of this letter, to allow mailing to voters that are overseas.

The election calendar begins with the opening of candidate filing. By law "[n]omination papers shall be made available from the first working day of February." HRS § 12-2.5. The Attorney General has advised us that under the

present circumstances we cannot conduct candidate filing for State Senate and State House seats until the lines are finalized.

While candidate filing and ballot printing are two important tasks that occur after redistricting, we note that there are other equally critical election tasks that can only be conducted in a consecutive manner following the conclusion of redistricting.

Upon the filing of the reapportionment plan, a precincting process similar to redistricting occurs to create facility and resource allocation based boundaries. This process involves whether established polling places are capable of serving the numbers of voters for the precinct boundaries created. This process, which involves over 240 polling places statewide, can take several weeks to obtain verification and to make the appropriate adjustments as necessary. Legally, the precincts and polling places must appear in an election proclamation (issued on May 26, 2012 at least ten days prior to the close of filing), about 118 days from the date of this letter.

Following the precincting process, county election officials must reassign over 600,000 voters to these newly established precincts. This process involves the creation of address ranges that correspond to the new precinct boundaries. While a portion of this work can be conducted using geographic information systems, a subset of this process is labor intensive, requiring manually assigning voters to correct districts due to inconsistencies in address numbering (as is frequently the case on the neighbor islands). This process also involves reconciling geographic information system based house number ranges with actual house numbering and frequently involves visits to locations to verify the accuracy of the house numbering ranges and the corresponding district assignments. The accuracy of this task is critical since errors could result in voters voting in the wrong contests and for the wrong candidates, which may result in an election contest being filed.

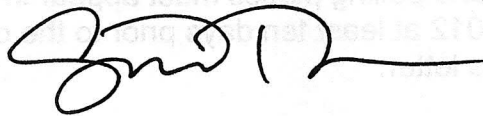
Furthermore, the Federal Military and Overseas Voter Empowerment Act requires that absentee ballots for military and overseas voters be mailed out at least 45 days prior to an election which involves a federal office. 42 USC § 1973ff-1. This requirement was the genesis for moving the Primary Election date from September to August. Consequently, the prospect of seeking a court order to delay the Primary Election (as has been done in other States with litigated redistricting plans) is not practicable in Hawaii's instance.

In terms of impact to the public, the primary concern is one of voter notification. That is, the mailing of postcards to inform voters of where to vote. This occurs only after the voter registration district reassignment process is completed.

Needless to say, there are a variety of other logistical and administrative matters related to the execution of the elections that are tied into knowing what the boundaries are for the various State Senate and State House districts. However, the examples above are effort intensive and can only be performed in a consecutive manner following the redistricting process.

We are sworn to do our utmost to implement the election, however, please know that any compression of the election timeline creates substantially higher challenges and increased risks for executing a successful election. Any efforts that the Commission can undertake to expedite its process will also have the favorable impact of reducing this risk caused by an already truncated timetable caused by the recent litigation.

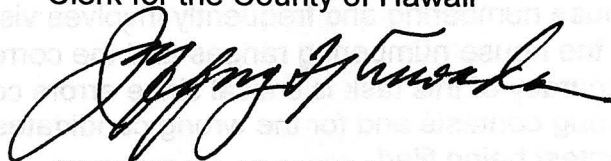
Sincerely,



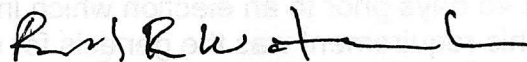
SCOTT T. NAGO
Chief Election Officer



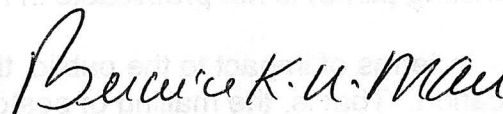
JAMAE KAWAUCHI
Clerk for the County of Hawaii



JEFFREY T. KUWADA
Clerk for the County of Maui



RICKY R. WATANABE
Clerk for the County of Kauai



BERNICE K.N. MAU
Clerk of the City & County of Honolulu

January 30, 2012

Dear Judge Marks,

I have grave concerns about the process of reapportionment as it moves toward its final resolution.

I know with certainty that there is a desire on the part of some involved in this process to redraw the Big Island Senate districts for political purposes, in order to create a district empty of an incumbent for the benefit a potential candidate for State Senate.

This is gerrymandering and it violates the law and is totally unacceptable to the people of West Hawaii. The laws of our state explicitly prohibit the drawing of a district for the political advantage of any candidate.

This has already been done to a State House member in Kona, drawing new boundaries that displace him from his own district and simultaneously creating a new empty district with no incumbent.

Now the Reapportionment Commission is threatening to do exactly the same for the senate seats on Big Island, disrupting long-established districts and dividing and weakening communities like Kona that have their own strong common interests and political identities.

I am speaking specifically of the proposal to sever the southern half of Kona from the rest of the urban community of which it is an integral part, in order to draw Waimea into the West Hawaii district and create a new, open district in northeast Hawaii.

This move is clearly gerrymandering to help a former Senator win re-election without having to face an incumbent. It is also counter to the desires and interests of the people of West Hawaii who have fought for decades to achieve a hard-won community and political identity.

Theoretically this could result in a Senator from Waimea 'representing' one part of West Hawaii and another Senator from Volcano 'representing' another part of West Hawaii. Such a plan would divide and disenfranchise all of West Hawaii, and destroy our community's common voice in the State Senate after we have fought long and hard to overcome weak representation and political neglect.

Should this or any similar plan proceed, it will be challenged and exposed for the plain act of gerrymandering it is. It is your responsibility to prevent such an illegal and inappropriate distortion of this commission's mandate.

It is totally unnecessary to make radical changes to the Senate districts on the Big Island, as the maps can easily be drawn to add a new district in northeast Hawaii without damaging the regional integrity that exists today, and has for decades.

The people of West Hawaii and the entire Big Island insist that you put an immediate halt to any proposed gerrymandering in this process.

It is unacceptable, illegal, and will effectively disenfranchise the West Hawaii community, all so a former Senator in northeast Hawaii can run for an open Senate seat without facing an incumbent.

If this misguided proposal goes forward, all parties involved in it will meet with the most serious legal challenges on behalf of the people of West Hawaii.

Respectfully,



Josh Green M.D.

State Senator

District 3, West Hawaii

**A RESOLUTION BY THE 2011-2012 KAUA'I ADVISORY COUNCIL TO THE
STATE OF HAWAII REAPPORTIONMENT COMMISSION AGAINST THE USE
OF CANOE DISTRICTING FOR THE ISLAND UNIT OF KAUA'I AND NI'HAU**

WHEREAS, from 1982 to 1991, House District 14 was divided between a portion of the island unit of Kaua'i and a portion of the island unit of Oahu; and

WHEREAS, from 1992 to 2001, House District 14 and Senate District 8 were divided between portions of the island unit of Kaua'i and portions of the island unit of Maui; and

WHEREAS, during the 2001-2002 reapportionment process, it was determined that the districting of a single district seat over two or more island units, hereafter referred to as a canoe district, on Kaua'i generated a feeling of misrepresentation or a lack of representation on part of those living in the district; and

WHEREAS, it was determined that canoe districting unduly burdens the respective representative(s) in his or her attempts to address the needs of two separate island units; and

WHEREAS, during the 2001-2002 reapportionment process, the Reapportionment Commission addressed the problem of canoe districting on Kaua'i by agreeing to over-represent the island unit in the House of Representatives with three full House Districts (instead of 2 ½ House Districts) and to under-represent the island unit in the Senate with one full Senate District (instead of 1 1/3 Senate Districts); and

WHEREAS, over the past decade, as presented in public testimony and discussion during the 2011-2012 reapportionment proceedings, the discontinuance of canoe districting on Kaua'i has restored a sense of representation to the island unit and allowed the respective representative(s) to more effectively serve and represent his or her district(s) at the State Legislature; and

WHEREAS, the Kaua'i Advisory Council previously recommended to the 2011 Reapportionment Commission against the use of canoe districting, and the Commission unanimously agreed, taking action against the use of canoe districting; and

WHEREAS, the recent State Supreme Court opinion concerning the State of Hawaii's 2011 Reapportionment Commission Final Report and Reapportionment Plan could result in a transfer of a Senate District and possibly a House District from the island unit of O'ahu to the island unit of Hawaii and does not result in an increase or a decrease of population to be counted on the island unit of Kaua'i and Ni'ihau

BE IT RESOLVED BY THE KAUA'I ADVISORY COUCL TO THE STATE OF HAWAI'I 2011-2012 REAPPORTIONMENT COMMISSION, that in addressing the recent State Supreme Court opinion concerning the State of Hawai'i 2011 Reapportionment Commission Final Report and Reapportionment Plan, the 2011-2012 Reapportionment Commission avoid the use of canoe districting for the island unit of Kaua'i and Ni'ihau;

BE IT FURTHER RESOLVED, the districting lines for House Districts 14, 15, and 16, and Senate District 7 originally recommended by the 2011 Kaua'i Advisory Council to the Commission be maintained;

Introduced by:

/s/ KA'AINA HULL



Randy Nishimura
Kaua'i Advisory Council Chairperson

1/25/2012
Date

Joanne Georgi
Kaua'i Advisory Council Vice Chairperson

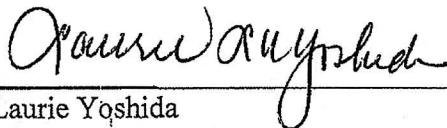
Date

(absent & not voting)



Ka'aina Hull
Kaua'i Advisory Council Secretary

1/25/12
Date



Laurie Yoshida
Kaua'i Advisory Council Member

1/25/2012
Date

HAWAII REAPPORTIONMENT COMMISSION

PROCESSING STUDENT AND MILITARY NON-PERMANENT RESIDENT (NPR) DATA

COUNTS NEEDED:

Apportionment Counts of Permanent Residents by Basic Island Unit (BIU)

- for reapportionment among BIUs
- extract (subtract) non-permanent residents from PL 94-171 counts for each BIU

Districting Counts of Permanent Residents by Census block

- for redistricting within each BIU
- extract (subtract) non-permanent residents from PL 94-171 counts for each census block

STEPS:

1. Verify that data represents time slice on or about April 1, 2010
2. Verify that data represents only non-permanent residents who likely would have been counted by the U.S. Census as a Hawaii resident on April 1, 2010
3. Flag those records that contain insufficient data to determine Apportionment Count or Districting Count
 - blank or incomplete records
 - records for non-Hawaii locations (mainland or foreign)
4. Identify records that represent dormitories or other group quarters
 - assign to BIU and census block even if address is missing
5. Identify records that represent non-residential locations
 - PO Boxes, offices, "care of"
 - assume residence location is on BIU for Apportionment Count
 - assume residence location is unknown for Districting Count
6. Geocode all remaining addresses/Zip+4 to determine census block location
 - good match: assign to BIU and census block
 - bad match: assign to BIU, assign census block as unknown
7. For every record, we now know NPR location by:
 - BIU (for Apportionment Count): Oahu, Hawaii, Maui, Kauai or unknown
 - census block (for Districting Count): census block ID or unknown
8. Flag all student records that match a known military location to avoid double counting
 - Set BIU and census block to "dup" and do not extract

9. For every record, we now know NPR location by:

- BIU (for Apportionment Count): Oahu, Hawaii, Maui, Kauai, unknown or dup
- census block (for Districting Count): census block ID, unknown or dup
- total Apportionment Count permanent resident population will equal Districting Count total

10. Extract (subtract) NPR counts for each BIU from U.S. Census PL 94-171 BIU counts

- ignore unknown or dup records

11. **Report permanent resident count for each BIU for Apportionment Count**

- **Apportion seats among BIU using the Method of Equal Proportions**

12. Extract (subtract) NPR counts from each census block ID count (ignore unknown or dup)

- If a census block has more non-permanent residents than census population
 - extract full census population (set census block population to zero)
 - assign remainder as "census block unknown"

13. Use disaggregation islandwide to extract all "census block unknown" records

14. **Report permanent resident count for each census block for Districting Count**

- **Draw new district boundaries to balance permanent resident population within BIU**